

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

United States District Court  
Southern District of Texas  
FILED

SEP 17 2003

LUIS ALEJANDRO GARZA

\*

\*

VS.

\*

THE UNITED STATES OF  
AMERICA

\*

\*

\* CIVIL ACTION NO. B-02-154

\* FEDERAL TORT CLAIMS ACT

Michael N. Milby  
Clerk of Court

**PLAINTIFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE RESPONSE TO DEFENDANT'S MOTION TO DISMISS  
AND ALTERNATIVELY MOTION FOR SUMMARY JUDGMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, Luis Alejandro Garza and moves this court to extend the time for him to file his response to Defendant's motion to dismiss and alternatively motion for summary judgment and in support thereof would respectfully show as follows:

1.

The Defendant filed its motion to dismiss and alternatively motion for summary judgment on September 5, 2003. Under the local rules, Plaintiff's response would be due 20 days later or September 25, 2003.

2.

Plaintiff is being delayed in preparing a response due to the government difficulty in producing documents prepared by the Federal Bureau of Investigation pertaining to its investigation of the assault of Plaintiff by several inmates.

3.

As additional grounds, Plaintiff's attorney has prepared a proposed affidavit for Plaintiff to sign to be included with Plaintiff's response. The proposed affidavit has been mailed to Plaintiff in prison at Pollock, Louisiana. Plaintiff must review it, make any necessary alterations, obtain a notary public's service and mail same back to his attorney. This is a slow process.

4.

Plaintiff requests an additional 20 days to respond to said motion.

5.

Wherefore Plaintiff prays that he be granted an extension of time to file a response to Defendant's motion to dismiss and alternatively motion for summary judgment.

Respectfully submitted,



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ATTORNEY IN CHARGE FOR  
LUIS ALEJANDRO GARZA

**CERTIFICATE OF CONFERENCE**

I, Barry R. Benton, attorney for Plaintiff, have conferred with Defendant's counsel, the Honorable Nancy L. Masso, Assistant United States Attorney, and she has indicated that she is unopposed to this motion.



Barry R. Benton

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 17<sup>th</sup> day of September, 2003, the foregoing Plaintiff's Unopposed Motion for Extension of Time to File Response to Defendant's Motion to Dismiss and Alternative Motion for Summary Judgment was hand-delivered to counsel of record, to wit:

Ms. Nancy L. Masso *Hand Delivery*  
Assistant U.S. Attorney  
600 E. Harrison St., No. 201  
Brownsville, Texas 78522



BARRY R. BENTON